

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**
LYNCHBURG DIVISION

DONALD SCOTT GORDON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CASE NO. 6:17-cv-00038

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on the parties' cross motions for summary judgment (dkt. 18, 22), and the Report & Recommendation of United States Magistrate Judge Robert S. Ballou (dkt. 27, hereinafter "Report"). Pursuant to Standing Order 2011-17 and 28 U.S.C.

§ 636(b)(1)(B), I referred this matter to Judge Ballou for proposed findings of fact and a recommended disposition. The parties filed cross motions for summary judgment, and on August 1, 2018, Judge Ballou filed a Report recommending that Plaintiff's Motion for Summary Judgment, (dkt. 18), be granted in part, the Commissioner's Motion for Summary Judgment, (dkt. 22), be denied, and the matter remanded for further consideration by the Commissioner. After a review of the record in this case, and no objections having been filed to the Report within fourteen days of its service upon the parties, I adopt the Report in its entirety.

Accordingly:

1. The Report of August 1, 2018, is hereby **ADOPTED** in its entirety;
2. Plaintiff's Motion for Summary Judgment, (dkt. 18), is hereby **GRANTED in part**;
3. Defendant's Motion for Summary Judgment, (dkt. 22), is hereby **DENIED**; and
4. This case is hereby **REMANDED** to the ALJ for further proceedings consistent with Judge Ballou's Report.

The Clerk of the Court is hereby directed to send a copy of this Order to all counsel of record and to United States Magistrate Judge Robert S. Ballou.

It is so **ORDERED**.

Entered this 16th day of August, 2018.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE